

108TH CONGRESS
1ST SESSION

H. R. 1562

To amend title 38, United States Code, to enhance the authority of the Department of Veterans Affairs to recover costs of medical care furnished to veterans and other persons by the Department from third parties that provide health insurance coverage to such veterans and other persons.

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2003

Mr. BEAUPREZ (for himself, Mr. SMITH of New Jersey, Mr. EVANS, Mr. SIMMONS, and Mr. RODRIGUEZ) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to enhance the authority of the Department of Veterans Affairs to recover costs of medical care furnished to veterans and other persons by the Department from third parties that provide health insurance coverage to such veterans and other persons.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans Health Care
5 Cost Recovery Act of 2003”.

1 **SEC. 2. AUTHORITY FOR DEPARTMENT OF VETERANS AF-**
 2 **FAIRS TO RECOVER MEDICAL COSTS FROM**
 3 **THIRD-PARTY PROVIDERS AS IF IT IS A PRE-**
 4 **FERRED PROVIDER ORGANIZATION.**

5 Section 1729(f) of title 38, United States Code, is
 6 amended by adding at the end the following new sentence:
 7 “The absence of a participation agreement or other con-
 8 tractual arrangement entered into by the Secretary with
 9 a person obligated to provide, or to pay, the expenses of
 10 health services under a health-plan contract or with a
 11 third party that is a preferred provider organization may
 12 not be used or operate to prevent, or reduce the amount
 13 of, any such recovery or collection by the United States.”.

14 **SEC. 3. RECOVERY OF COSTS OF HEALTH CARE AND SERV-**
 15 **ICES PROVIDED TO PERSONS OTHER THAN**
 16 **VETERANS.**

17 (a) COST RECOVERY.—Section 1729 of title 38,
 18 United States Code, is amended by adding at the end the
 19 following new subsection:

20 “(j)(1) Whenever the Secretary furnishes care and
 21 services to a person other than a veteran, the United
 22 States shall have the right to recover or collect charges
 23 for such care or services in the same manner, and to the
 24 same extent, as is provided under this section for care and
 25 services furnished to a veteran, except that for such pur-
 26 pose the terms ‘health-plan contract’ and ‘third-party’

1 shall have the meanings set forth in paragraphs (2) and
2 (3), respectively, of section 1725(f) of this title.

3 “(2) The amounts of charges under paragraph (1)
4 shall be in such amounts as the Secretary may prescribe
5 by regulation.”.

6 (b) TECHNICAL AMENDMENTS.—Subsection (a)(2) of
7 such section is amended—

8 (1) by inserting “or” at the end of subpara-
9 graph (C); and

10 (2) by striking subparagraphs (D) and (E) and
11 inserting the following:

12 “(D) that is incurred by a veteran who is enti-
13 tled to care (or payment of the expenses of care)
14 under a health-plan contract, but, in the case of a
15 veteran who has a service-connected disability, only
16 with respect to care and services furnished before
17 October 1, 2007.”.

18 **SEC. 4. EFFECTIVE DATE.**

19 The amendments made by sections 2 and 3(a) shall
20 apply only with respect to care and services furnished
21 under chapter 17 of title 38, United States Code, on and
22 after the date of the enactment of this Act.

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